

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**ARNOLDO GIRON, JUAN CARLOS
JAUREGUI, EDVIN GIRON, ROBERTO
GIRON, JOSE GUTIERREZ, and RUBEN
DUARTE, on behalf of themselves and a
class similarly situated**

PLAINTIFFS

v.

CASE NO. 4:07-CV-00568 GTE

**CITY OF ALEXANDER, ARKANSAS;
ALLEN SPEARS, individually and in his official
capacity as Chief of Police of the Alexander Police
Department; TOMMY LEATH, individually and
in his official capacity as a police officer with the
Alexander Police Department; and
METRO TOWING & RECOVERY, LLC**

DEFENDANTS

ORDER

Presently before the Court are Plaintiffs' Motion to Dismiss Separate Defendant Metro Towing and Recovery, LLC, with Prejudice and Plaintiffs' Motion for Relief from the Court's Order to File Amended Complaint.

As to Plaintiffs' Motion to Dismiss, Plaintiffs represent to the Court that they have settled their claims against Separate Defendant Metro Towing & Recovery, LLC. Therefore, the Court dismisses this case with prejudice as to Separate Defendant Metro Towing & Recovery, LLC.

As to Plaintiffs' Motion for Relief, Plaintiffs state that the settlement between Plaintiffs and Metro Towing & Recovery, LLC makes the proposed and approved Amended Complaint partially moot. Plaintiffs state that it would be illogical and contrary to the interests of justice and economy to file said Amended Complaint, and request relief from the portion of the Court's April 30, 2008, Order directing Plaintiffs to file the proposed Amended Complaint forthwith.

Plaintiffs further state that they are attempting to agree upon an alternative Amended Complaint with counsel for the remaining Defendants. The Court will allow Plaintiffs up to and including June 2, 2008, to either file an agreed upon alternative Amended Complaint or, if an agreement cannot be reached, to file a motion requesting leave to file an appropriate Amended Complaint.

Accordingly,

IT IS THEREFORE ORDERED THAT Plaintiffs' Motion to Dismiss Separate Defendant Metro Towing and Recovery, LLC, with Prejudice (Docket No. 24) be, and it is hereby GRANTED. Separate Defendant Metro Towing & Recovery, LLC is hereby DISMISSED from this action with prejudice.

IT IS FURTHER ORDERED THAT Plaintiffs' Motion for Relief from the Court's Order to File Amended Complaint (Docket No. 25) be, and it is hereby GRANTED. Plaintiffs are directed to either file an agreed upon alternative Amended Complaint or, if an agreement cannot be reached, to file a motion requesting leave to file an appropriate Amended Complaint on or before June 2, 2008.

IT IS SO ORDERED this 6th day of May, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE